THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26227 OF 2007

DATED: 10-12-2007

Between:

Ponnada Maheeswar Rao,
S/o. late Sriramulu Naidu

… Petitioner

And

The Revenue Divisional Officer,
Palakonda Village and Mandal,
Srikakulam District and another

… Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26227 OF 2007

ORDER:

In this writ petition the petitioner has questioned the order dated 19-09-2007 passed in SR.No.183/2007/B by the second respondent-Tahsildar in exercise of powers under sub-section(3) of Section 3 of A.P.Assigned Lands(Prohibition of Transfer) Act, 1977(for short 'the Act').

It is submitted that against the impugned orders, the petitioner has already preferred an appeal before the first respondent-appellate authority as provided under Sec.4-A of the Act. It is submitted that when such appeal is pending, the respondents are trying to take steps for eviction of the petitioner.

It is the case of the petitioner that he is a bonafide purchaser and small farmer and in that view of the matter, he is not liable for eviction. As much as the appeal filed by the petitioner on 24-11-2007 is pending consideration before the first respondent, it is not desirable to record any finding on merits with regard to validity of

transfer in favour of the petitioner.

As much as it is stated that the petitioner has purchased this land in the year 1990 and the appeal filed by the petitioner is pending consideration before the first respondent-appellate authority, which is a substantive remedy provided under the statute itself, this writ petition is disposed of directing the first respondent-appellate authority to dispose of the appeal as expeditiously as possible. It is further directed that the order of eviction passed by the Tahsildar, Rajam Mandalam remained suspended till the appeal is disposed of and the petitioner shall be allowed to continue for cultivation in the above said lands pending disposal of the appeal.

Subject to the above direction, writ petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 10-12-2007

Note:

Issue C.C.within three days.

B/o.

Rns

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 25879 OF 2007

Dated: 06-12-2007

RNS